

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

KERMIT H. PENLEY

v.

STATE OF TENNESSEE;
TONY PARKER, Warden

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NO. 2:06-CV-58

JUDGMENT ORDER

In accordance with the accompanying memorandum opinion, the respondent's motion to dismiss is **GRANTED** [Doc. 8]; the petitioner's motion for discovery and renewed motion for the appointment of counsel are **DENIED** [Docs. 12, 13]; this *pro se se* petition for a writ of habeas corpus, 28 U.S.C. § 2254, is **DISMISSED** [Doc. 1]; and the petitioner is **DENIED** an application for a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Finally, the Court **CERTIFIES** that any appeal from this decision would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT